

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, NOVEMBER 6, 2014 – 6:00 P.M.**

		Cumulative Attendance May 2014 - April 2015	
<u>Board Members</u>		<u>Present</u>	<u>Absent</u>
	Attendance		
Barry Flanigan, Chair	P	5	0
James Harrison, Vice Chair	P	4	1
F. St. George Guardabassi	P	5	0
Norbert McLaughlin	P	5	0
Jim Welch (dep. 8:01)	P	5	0
Robert Dean	P	4	1
John Holmes	A	4	1
Bob Ross	P	4	1
Joe Cain	P	3	2
Herb Rassing (dep. 8:10)	P	5	0
Frank Herhold (arr. 6:10)	P	5	0
Zane Brisson	P	5	0
Erik Johnson	A	4	1
Jack Newton	P	4	1
Jimi Batchelor	A	3	2

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

It was noted that a quorum was present for the meeting.

Staff

Andrew Cuba, Manager of Marine Facilities
Jonathan Luscomb, Supervisor of Marine Facilities
Officer Quinton Waters, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Vice Chair Harrison, seconded by Mr. Rassing, to submit the following comments, provided by Vice Chair Harrison, as a communication to the Commission:

Last week the Marine Industries Association of South Florida (MIASF) released a study of the economic impact of the recreational marine industry in 2014. A majority of those jobs and economic impact are directly provided to the marinas that are west of the FEC railroad tracks.

The Environmental Impact Study conducted by All Aboard Florida (AAF) for the Federal Railroad Administration is about adding 32 AAF trains daily and increasing daily freight trains from 14 to 20. In Appendix 4.1-3-C [of the study], it concludes that this project *is not anticipated to result in adverse economic impacts* to jobs, economic growth, and development. The only negative concession is that the increased wait time by boats at the bridge (fuel cost) will be slightly higher. On page 5-15 it concluded, "Increased vessel wait times and queue lengths would have minor economic impacts to commercial destinations (e.g. boat/yacht repair and support facilities) along the New River."

This study is severely flawed and needs to be redone. The marine industry was never contacted for any data.

If the bridge is closed more than 20 minutes per hour, the boats which need to pass in order to get to the yards will take their boats to yards which are more convenient, safer, and easier to access. Boats from all over the USA and the world come to south Florida to have work done and/or to be sold. If the boats start going somewhere else, the entire industry will have to follow.

If AAF fails to keep the bridge up, monetary penalties will not help the exodus of marine business. The consequence must be that another entity steps in and takes over operation in order to ensure the bridge complies with [a] 40 minutes open rule. In order to comply, at a minimum, there must be a bridge tender with operational control.

The AAF has publicly stated to the MIAF that it is *impossible to state what the corridor capacity is. That cannot be true.* Please make public what the capacity is, as we need to know what to expect with the AAF trains and also the additional freight trains and the planned move of Tri-Rail to the FEC tracks and whatever else may be added.

In a voice vote, the **motion** passed unanimously.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:02 p.m. and roll was called.

II. Approval of Minutes – September 23, 2014

Motion made by Mr. Ross, seconded by Mr. Rassing, to approve as stated. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted that a quorum was present.

IV. Waterway Crime & Boating Safety Report

Officer Quinton Waters reported that during the month of October, three vessel accidents occurred, 118 warnings and 11 citations were issued, 95 safety inspections were conducted, and burglary occurred. He concluded that the International Boat Show went smoothly.

Regarding the 15th Street boat ramp, Officer Waters noted that boat size will be restricted, and backing in of trailers will not be allowed. There are 40 ft. and 55 ft. spaces, although signage is not yet in place. Meters have been installed but not yet activated for on-street parking. He estimated that the target boat size for this facility was 26 ft., depending upon the size of the trailers. Mr. Cuba explained that the limit is due to the size of the site, as well as the fact that the number of parking spaces was increased in order to fund the project.

Mr. Herhold arrived at 6:10 p.m.

V. Application – Private Usage of Public Property – Sec. 8-144 – Jack Hayes Properties, LLC – 1009 Cordova Rd.

Mr. Cuba advised that the landscaping component related to this Application is being addressed between the homeowner and the City.

Gex Richardson, Applicant, stated that he and his wife originally installed the dock at the subject property some time ago; they later sold the home and moved away, but purchased it once more upon returning to the City. They addressed the property's multiple Code violations and made other improvements. They are now seeking another dock permit, and have an additional permit pending for landscaping.

Mr. Richardson noted that Code does not address parking on a swale at this location. He has met with the City and submitted plans to add landscaping as well as rocks to the area. He has not been instructed to remove the rocks he placed on the property. The landscaping requested by the City will serve as a barrier to prevent grass from a neighboring lot from creeping in among the rocks.

The Board members discussed the Application as well as the planned landscaping for the property, clarifying that the subject property is directly across the street from the dock. Mr. Cuba noted that according to Section 81.44 of the ULDR, which deals with landscaping, states that the holder of a permit will be responsible for maintaining improvements and beautifying a reasonable area in and around the location of the dock. Mr. Richardson added that he is willing to comply with whatever the City's Engineering Department would like him to do to beautify the area.

There being no further questions from the Board at this time, Chair Flanigan opened the public hearing.

Bud Bentley, private citizen, stated that he lives two blocks from the subject property and is in favor of the Application, with conditions. He noted that all properties along Cordova Road, except for the subject property, are landscaped. While some homes have more than the 50% landscaping requirement, the replacement of all landscaping with gravel is inconsistent with the City's management of the street and neighborhood.

He concluded by recommending that the Board approve the Application, with the additional recommendation to the City Commission that a landscape plan consistent with neighboring properties be submitted within 30 days and implemented within 90 days.

The members discussed possible ways to improve the property's appearance, clarifying that pavers may not be used in the area. Mr. Richardson pointed out that several variances exist along the street, and added that while he had no issue complying with the City's requirements, he did not feel the Marine Advisory Board had oversight of landscaping requirements, which would be determined by the Engineering Department.

Mr. Bentley pointed out that the property in question is public property, as the swale is owned by the City. He observed that the City Commission grants permits for the use of this property at their discretion. Mr. Cuba advised that this process is underway by the Engineering Department and the Department of Sustainable Development.

It was confirmed that if the Applicant's neighbors objected to the proposed landscaping, they may make their objections known to the City Commission. Mr. Cuba noted that reasonable maintenance and beautification must take place adjacent to the dock; however, this does not address the type of landscaping to be used. He added that there is a Code complaint being addressed with respect to the current landscaping, which is separate from the usage of the dock.

As there were no other members of the public wishing to speak on this Item, Chair Flanigan closed the public hearing and brought the discussion back to the Board.

Mr. Richardson asserted again that only the dock use is before the Board, not the landscaping issue. Vice Chair Harrison commented that because the Application before the Board includes the property itself as well as the seawall and waterway, it was not clear to him that the Board would be outside its jurisdiction to discuss the maintenance and beautification of the site.

Motion made by Mr. Dean, seconded by Mr. Rassing, to approve this Application. In a roll call vote, the **motion** passed 12-0.

Mr. Cuba advised that he would provide an update on this Application at the next scheduled meeting, as well as further clarification on how deeply the Board should involve itself with upland elements of future applications.

VI. Application – Waiver of Limitations – ULDR Sec. 47-19.3 C&E – 1524 Land LLC c/o Mr. Victor Doudine, Manager – 1524 S. Ocean Drive

This Item was deferred.

VII. Update – Riverwalk Connection

It was noted that a copy of the most recent version of the Riverwalk Extension was included in the members' backup materials.

Chair Flanigan reported that he had attended a recent meeting of the Downtown Development Association (DDA), and recalled the Board's concerns regarding a platform protruding into the waterway were taken into consideration by the DDA. He stated that the plan has since been revised and approved by stakeholders, and described the plan's features, including a continuous rail along the water. There is ongoing discussion of providing underwater lighting. The plan is a joint effort of the Riverwalk, the DDA, and an upland developer.

The members discussed the revised plan, noting that the platform has been shortened from 29 ft. to 14 ft. in length. It was agreed that the Board should have been allowed input on this issue, as the planned walkway will encroach into the waterway and will therefore be within their purview. Chair Flanigan noted that the Army Corps of Engineers had shared the Board's concerns regarding the earlier plan and longer platform, but have not expressed concern with the current plan. Mr. Cuba stated he would contact the Chappell Group for a further update.

The Board members expressed concern with the proposed railing, lack of cleats, and potential for a navigational issue. It was noted that there is little recourse available to the Board at this time to address the project, as it has not come before them. Mr. Cuba pointed out that the area in question is a potential staging area for the railroad, and individuals could express their concern with this issue to the Coast Guard.

VIII. Reports

- **Commission Agenda Items**

Mr. Cuba reported that dock waivers for Grand Birch, LLC and 720 NE 20th Avenue were approved by the City Commission.

IX. Old / New Business

The Board members were provided with a handout from Vice Chair Harrison, who explained that it was related to plans for the All Aboard Florida project and environmental and economic impacts. He observed that while All Aboard Florida's environmental impact study concludes the project will not result in adverse economic

effects, it concedes that the increased wait times for vessels at the New River Bridge would cause minor economic impacts on commercial destinations.

He advised that the Marine Industries Association of South Florida (MIASF) feels the study is severely flawed and should be redone, as the marine industry was never contacted to provide data. Vice Chair Harrison noted that if the bridge is closed for more than 20 minutes per hour, boats attempting to access yards will instead go to more convenient facilities. He asserted that in order to ensure the bridge remains open for 40 minutes per hour, it would need to be operated by another entity, such as a bridge tender with operational control. He also asked that the Coast Guard require All Aboard Florida to make public the capacity of their trains, as well as freight and Tri-Rail trains, so the marine industry will know what to expect of the project.

The Board discussed Vice Chair Harrison's handout and comments, including the proposed time frame, which would mean the bridge is open for 20 minutes or two 10-minute segments per hour. The Board also discussed the amount of time necessary to lower and raise the bridge, which is estimated at more than 19 minutes, as well as the practice of towing large vessels upriver only during high slack tide, which occurs within only a 30-minute window each day.

Mr. Herhold stated that Vice Chair Harrison's documented notes should be sent as a communication to the City Commission. He added that the Commissioners should be made aware that the economic impact study conducted by All Aboard Florida was conducted without official input from the marine industry.

Motion made by Vice Chair Harrison, seconded by Mr. Rassing, to submit [Vice Chair Harrison's document] as a communication to the Commission. In a voice vote, the **motion** passed unanimously.

Mr. Welch left the meeting at 8:01 p.m.

The Board also discussed the proposed Las Olas Marina redevelopment, with Mr. Dean advising that he had been informed that the City Commission is not in favor of this project. They noted that it may be preferable that the redevelopment proceeds as a public-private partnership, as no funding for the proposed marina is planned through the Beach Community Redevelopment Agency (CRA). Mr. Cuba noted that the City's Beach Redevelopment Board (BRB) will meet on November 17 at 2 p.m. to discuss private solicitations for the marina property.

Mr. Rassing left the meeting at 8:10 p.m.

The members also noted the construction of other marinas in south Florida while discussion of the Las Olas Marina redevelopment has been ongoing. It was pointed out that the information they reviewed has been provided to the City Commission for consideration in the past.

Vice Chair Harrison concluded that he would provide Mr. Cuba with information on an upcoming Coast Guard meeting in Hollywood, for which comments about the All Aboard Florida project may be submitted online.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 8:18 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]